

APPROVED

CHAPTER

JUN 08 '05

339

BY GOVERNOR

PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND FIVE

H.P. 1077 - L.D. 1532

An Act To Protect Maine Citizens from Lead Hazards that Harm
Maine Children and Families

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6030-B is enacted to read:

§6030-B. Environmental lead hazards

1. Environmental lead hazard disclosure. A landlord or other lessor of residential property shall provide to potential tenants and lessees a residential real property disclosure statement that includes, but is not limited to, information about the presence or prior removal of lead-based paint in accordance with Title 22, section 1328.

2. Application. The landlord or lessor shall provide the residential real property disclosure statement under subsection 1 when a structure that is part of the real property was built prior to 1978.

Sec. 2. 22 MRSA §1328 is enacted to read:

§1328. Residential real property disclosure statement forms

1. Sellers of real property. The department shall prepare a standard residential real property disclosure statement form for potential sellers of real property to use to disclose to potential purchasers information concerning environmental lead hazards, in or about the real property, to comply with Title 33, section 173, subsection 4, paragraph B. The statement is in addition to that required under 42 United States Code, Section 4852d and implementing regulations.

A. The following warning must be included at the top of the form. The heading and the first and last paragraphs must be printed in a font that is at least as large as 16-point type in Times Roman font.

MAINE WARNING: LEAD-BASED PAINT HAZARDS

Any residence built before 1978 may contain lead sufficient to poison children and sometimes adults. LEAD poisoning poses a particular risk if you are pregnant or may become pregnant. LEAD poisoning in young children may produce permanent neurological damage, including learning disabilities, a reduced intelligence quotient (IQ), impaired memory and behavioral problems such as attention deficit hyperactive disorder and a propensity for violence.

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The seller of any interest in real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

The only way to know with certainty whether lead-based paint hazards are present on the property is to test the property for the presence of lead.

B. The form must also include all the provisions required by federal law.

C. The form must include the purchaser's acknowledgment as required by federal law and an acknowledgment that the purchaser has received the residential real property disclosure statement required by this section. The form must include the following statement: "This acknowledgment does not constitute a waiver of any rights." This acknowledgement does not affect rights, duties or liability under federal law.

2. Landlords and lessors. The department shall prepare a standard residential real property disclosure statement form for landlords and other lessors of real property to use to disclose to potential tenants and lessees information concerning environmental lead hazards, in or about the real property, to

comply with Title 14, section 6030-B. The statement is in addition to that required under 42 United States Code, Section 4852d and implementing regulations.

A. The following warning must be included at the top of the form. The heading and the first and last paragraphs must be printed in a font that is at least as large as 16-point type in Times Roman font.

MAINE WARNING: LEAD-BASED PAINT HAZARDS

Any residence built before 1978 may contain lead sufficient to poison children and sometimes adults. Lead poisoning poses a particular risk if you are pregnant or may become pregnant. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, a reduced intelligence quotient (IQ), impaired memory and behavioral problems such as attention deficit hyperactive disorder and a propensity for violence.

Every tenant or lessor of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. The landlord or other lessor of any interest in real property is required to provide the tenant or lessee with any information on lead-based paint hazards from risk assessments or inspections in the landlord's or lessor's possession and notify the tenant or lessee of any known lead-based paint hazards.

The only way to know with certainty whether lead-based paint hazards are present on the property is to test the property for the presence of lead.

B. The form must also include all the provisions required by federal law.

C. The form must include the lessee's acknowledgment as required by federal law and an acknowledgment that the lessee has received the property disclosure statement required by this section. The form must include the following statement: "This acknowledgment does not constitute a waiver of any rights." This acknowledgment does not affect rights, duties or liability under federal law.

3. Downloadable forms. The department shall post and maintain the forms required by this section on the Internet in a

format that is easily downloadable.

4. Rights, duties or liability under federal law. This section may not be construed to affect rights, duties or liability under federal law.

Sec. 3. 33 MRSA §173, sub-§4, ¶B, as enacted by PL 1999, c. 476, §1, is amended to read:

B. Lead-based paint for pre-1978 homes in accordance with federal regulations and Title 22, section 1328;